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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,072	12/28/2001	Michael Slutsky	1130	2236

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EXAMINER

KIM, AHSHIK

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,072

Applicant(s)

SLUTSKY ET AL.

Examiner

Ahshik Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/3/03 (Election).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-11 with traverse is acknowledged. Applicants, however,
5 did not provide any grounds for traversal.

As recited in the claims, claim 1 claims a portable electronic device comprising an application specific integrated circuit (ASIC); claim 12 recites a portable data collection system, comprising; a bar code reading terminal; a data blender an application specific integrated circuit (ASIC); claim 14 claims an application specific integrated circuit (ASIC) having
10; and claim 15 discloses a portable data collection system, comprising; a bar code reading terminal; an application specific integrated circuit (ASIC) performing various functions.

Although there are some common elements recited in each independent claims, it is the Examiner's view that the apparatus of claims 1, 12, 14 and 15 will require separate searches, which are burdensome to the Examiner. Accordingly, the election requirement is still deemed
15 proper, and therefore, is made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

20 A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunert et
25 al. (US 6,109,528, "Kunert" hereinafter).

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Re claims 1, and 3-7, Kunert teaches a portable electronic device 10 (see abstract) comprising an imager device in the form of photo diode, a laser scanner (col. 13, lines 15+) and application specific integrated circuit (ASIC) (col. 12, lines 65+) which controls the majority of functions associated with a laser-based scanner. The micro controller implements a gas gauge
5 function and recharging function (col. 18, lines 1+).

Re claims 8 and 9, the battery is a Nickel-metal hydride type (col. 17, lines 17+) or lithium-ion type (col. 19, lines 15+).

Claim Rejections - 35 USC § 103

10 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various
20 claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunert et al. (US 6,109,528, "Kunert" hereinafter) in view of Lieb et al. (US 5,875,415, "Lieb" hereinafter). The teachings of Kunert have been discussed above.

Although Kunert discloses transmitting data to a host on many occasions (col. 12, lines 53-64), Kunert fails to specifically teach or fairly suggest that the terminal transmits data to multiple destinations.

Lieb teaches an interface system for use with a data acquisition system in which the data acquisition system can be a bar code reader (see abstract). As shown in figures 3(B) – 3(E), and 4, the host device can be a different type (col. 4, lines 21+; col. 5, lines 11+; col. 6, lines 24+).

10 In view of Lieb's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate well-known universal interface to the teachings of Kunert in order to transmit data to varying host machines. By incorporating such interface, captured data can be transmitted to almost all host machines, significantly improving the versatility of the reader. Users do not need to purchase a particular reader or particular host
15 machine, reducing the cost of the reader system. Moreover, additional learning time and cost for a new type of terminal can also be saved, and therefore an obvious expedient.

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunert et al. (US 6,109,528, "Kunert" hereinafter) in view of Meier et al. (US 6,561,428). The
20 teachings of Kunert have been discussed above.

Kunert fails to specifically teach or fairly suggest that the ASIC in the barcode reader further comprises IDE interface function.

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Meier teaches an optical reader 10 reading image data (see abstract) comprising an ASIC circuitry (col. 5, lines 5, lines 46-52). The circuitry further includes memory devices including "Compact Flash" or MMC card (col. 5, line 53- col. 6, line 15), which means that the interfaces for the card would also be included. The micro controller implements a gas gauge function and recharging function (col. 18, lines 1+).

In view of Meier's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate well-known data storage mediums such as "CF" card or hard-disks to the teachings of Kunert in order to increase storage capacity of the data terminal. As known, the barcode and other image data are becoming increasingly denser, carrying large amount of information. Accordingly, the reader apparatus have to have large memory area to capture and manipulate complex image data. Moreover, by providing permanent storage area, the image can be stored and transmitted to other device, and therefore an obvious expedient.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Pflugrath et al. (US 5,722,412); Philyaw (US 6,694,356) disclose a barcode reader. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

5 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

10 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



15 Ahshik Kim
Patent Examiner
Art Unit 2876
March 30, 2004